



Order Filed on January 10, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1

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In re:

HOLLISTER CONSTRUCTION SERVICES, LLC,<sup>1</sup>

Debtor.

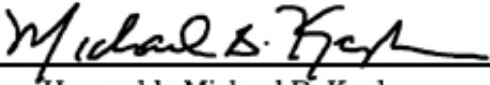
Chapter 11

Case No. 19-27439 (MBK)

**ORDER GRANTING DEBTOR'S MOTION TO APPROVE OF A SETTLEMENT  
AGREEMENT BY AND BETWEEN HOLLISTER CONSTRUCTION SERVICES, LLC  
AND NEWKIRK REALTY URBAN RENEWAL LLC AND AUTHORIZING THE  
REJECTION OF CERTAIN EXECUTORY CONTRACTS**

The relief set forth on the following pages, numbered two (2) through and including four (4), is hereby **ORDERED**.

**DATED: January 10, 2020**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

<sup>1</sup> The Debtor in this chapter 11 case and the last four digits of its taxpayer identification number is: Hollister Construction Services, LLC (5404).

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Debtor: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: *Order Granting the Debtor's Motion to Approve a Settlement Agreement By and Between Hollister Construction Services, LLC and Newkirk Realty Urban Renewal LLC Pursuant to Fed. R. Bankr. P. 9019 and Authorizing the Rejection of Certain Executory Contracts*

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Upon the motion (“Motion”) of the above-captioned debtor-in-possession (the “Debtor”) seeking the entry of an order approving of a Settlement Agreement (the “Settlement Agreement”) by and between the Debtor and Newkirk Realty Urban Renewal LLC (“Newkirk”), pursuant to Fed. R. Bankr. P. 9019 and Authorizing the Rejection of Certain Executory Contracts<sup>2</sup>; and the Court having jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, dated September 18, 2012 (Simandle, C.J.); and the Court having found that the Motion is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having found that it has the authority to enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and this Motion are proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having determined that granting the relief requested in the Motion is in the best interests of the Debtor, its estate and creditors and other parties-in-interest; and the Court having found that notice of the Motion and opportunity for hearing on the Motion were appropriate under the circumstances and that no other notice of the Motion need be provided; and the Court having received the Motion and having conducted a hearing on the Motion, at which time the Court heard and considered all oral arguments of counsel; and the Court having determined that good cause exists for granting the relief requested,

**IT IS HEREBY ORDERED** as follows:

1. The Motion is **GRANTED** as set forth herein.

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<sup>2</sup> Capitalized terms not defined in this Order shall have the meaning ascribed to them in the Settlement Agreement.

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Debtors: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

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2. The Settlement Agreement is hereby approved pursuant to Bankruptcy Rule 9019. The Debtor and Newkirk are authorized and directed to fulfill their respective obligations under the Settlement Agreement and execute all documents necessary to effectuate the Settlement Agreement. The Releases set forth in the Settlement Agreement are hereby approved.

3. Pursuant to section 365 of the Bankruptcy Code and Bankruptcy Rule 6006, the Debtor's Project Contract with Newkirk is rejected upon the entry of this Order with such rejection being effective as of the Petition Date.

4. Pursuant to section 365 of the Bankruptcy Code and Bankruptcy Rule 6006, the subcontracts identified on Exhibit A hereto are rejected upon the entry of this Order with such rejection being effective as of the Petition Date.

5. A rejection claim by counter parties to the contracts identified on Exhibit A hereto (a "Rejection Claim") shall be filed no later than **30 days after the date of entry of this Order** (the "Rejection Claims Deadline"), at the following address:

Hollister Construction Services Claims Processing Center  
c/o Prime Clerk LLC  
850 3rd Avenue, Suite 412  
Brooklyn, NY 11232

Rejection Claims may also be filed electronically at <https://cases.primeclerk.com/hcs/EPOCIndex>, but may not be delivered by facsimile, telecopy, electronic mail or other electronic transmission. The failure to file a Rejection Claim on or before the Rejection Claims Deadline shall forever bar any counterparty to any of the subcontracts identified on Exhibit A from asserting a Rejection Claim against the Debtor or its estate or from recovering any distribution on account of any such claim.

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Debtors: Hollister Construction Services, LLC

Case No.: 19-27439 (MBK)

Caption: *Order Granting the Debtor's Motion to Approve a Settlement Agreement By and Between Hollister Construction Services, LLC and Newkirk Realty Urban Renewal LLC Pursuant to Fed. R. Bankr. P. 9019 and Authorizing the Rejection of Certain Executory Contracts*

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6. The Debtor retains the right to object to, dispute, or assert setoffs or defenses against any filed Rejection Claim, including but not limited to challenging the nature, validity, liability, amount, or classification of any such claim.

7. Notice of this Motion as provided is hereby deemed good and sufficient notice and no further notice is required.

8. The Order shall be effective immediately upon its entry and the stay imposed by Bankruptcy Rule 6004(h) and/or 6006(b) or any other Rule are hereby waived.

9. The requirement set forth in Local Rule 9013-1(a)(3) that any motion be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Motion or otherwise waived.

10. The Court shall retain exclusive jurisdiction to hear and decide any and all disputes or issues related to or arising from the implementation, interpretation or enforcement of this Order.

**EXHIBIT A – Rejected Subcontracts**

Number	Type	Contract Title	Vendor	Vendor Street	Vendor City	Vendor State	Vendor Zip Code	Vendor Phone	Vendor Fax
SC-15280-08	Subcontract	Fire Protection	360 Fire Prevention	1061 Paulson Avenue	Clifton	New Jersey	07011		
15280CLE09	Subcontract	EIFS / DRYVIT	Ades Group LLC	222 Passaic Avenue	Fairfield	New Jersey	07004	973-882-8444	973-882-4999
PO-15280-32	Purchase Order	Lacava Sinks	AF Supply	1000 South 2nd St	Harrison	New Jersey	07029	(973)481-7500	(862)772-4129
SC-15280-09	Subcontract	Plumbing	Air Group, LLC	1 Prince Rd	Whippany	New Jersey	07981	973-929-2242	973-887-9265
PO-15280-06	Purchase Order	Concrete cutting	Americore Drilling	12-11 38th Ave	Long Island City	New York	11101	(718)392-1313	(718)392-1310
PO-15280-09	Purchase Order	Core Drilling	Americore Drilling	12-11 38th Ave	Long Island City	New York	11101	(718)392-1313	(718)392-1310
PO-15280-31	Purchase Order	Appliances	Appliance Brokers Inc.	2B Corn Road	Dayton	New Jersey	08810		
PO-15280-33	Purchase Order	Roofing Paver Material	Archatrak	1288 N 14th Ave	Bozeman	Montana	59715	(866)206-8316	
PO-15280-02	Purchase Order	Testing and Inspections	Atlantic Engineering	Laboratories, Inc. 21 Randolph Ave.	Avenel	New Jersey	07001	(732) 815-0400	(732) 815-0422
PO-15280-11	Purchase Order	Testing and Inspection	Atlantic Engineering	Laboratories, Inc. 21 Randolph Ave.	Avenel	New Jersey	07001	(732) 815-0400	(732) 815-0422
PO-15280-27	Purchase Order	Balcony Dr. Temp Protection	Services, Inc 11 Marcy Street	Freehold	New Jersey	07728	732-462-2706	732-462-2703	
SC-15280-20	Subcontract	Closet Shelving	Bailey's Square Janitorial	Services, Inc 11 Marcy Street	Freehold	New Jersey	07728	732-462-2706	732-462-2703
PO-15280-34	Purchase Order	Specialties	Benco Inc.	10 Madison Road Unit E	Fairfield	New Jersey	07004	973.575.4440	973.575.4558
PO-15280-13	Purchase Order	Labor for Site Cleaning	Bridge Builders Newark	211 Warren St., #23	Newark	New Jersey	07103		
PO-15280-16	Purchase Order	Labor for Site Cleaning	Bridge Builders Newark	211 Warren St., #23	Newark	New Jersey	07103		
15280CLE01	Subcontract	Plumbing	Clearflow	15 Roberts Road	Warren, NJ	New Jersey	07059	(908)542-0500	
15280CLE02	Subcontract	HVAC	Clearflow	15 Roberts Road	Warren, NJ	New Jersey	07059	(908)542-0500	
15280CONT01	Purchase Order	Stakeout	Control Point Associates, Inc.	35 Technology Drive	Warren	New Jersey	07059	(908) 668-0099	(908) 668-9595
PO-15280-04	Purchase Order	Internal Purchase Order	Coral Latam LLC	390 Broadway 4th Floor	New York	New York	10013		
PO-15280-23	Purchase Order	Plumbing Trench Concrete Infil	Crete Concrete Construction	835 Ringwood Avenue	Haskell	New Jersey	07420	(201) 445-3500	
PO-15280-26	Purchase Order	Payment Owed Contracted Work	Crete Concrete Construction	835 Ringwood Avenue	Haskell	New Jersey	07420	(201) 445-3500	
SC-15280-11	Subcontract	Kitchen Millwork and Cabinetry	Direct Cabinet Sales	180 Herrod Blvd.	Dayton	New Jersey	08110		
PO-15280-03	Purchase Order	Internal Purchase Order	Empire Lumber & Millwork Co	P.O. Box 2070	Newark	New Jersey	07114	(973) 242-2700	
PO-15280-07	Purchase Order	Hollow Metal Doors & Frames	Empire Lumber & Millwork Co	P.O. Box 2070	Newark	New Jersey	07114	(973) 242-2700	
PO-15280-29	Purchase Order	Site Security - Epoxy	Epoxy, Inc.	68 East First Street	Freeport	New Jersey	11520		
PO-15280-20	Purchase Order	Demo Rubbish Removal	Evergreen Recycling Solutions	11 Dundar Road Suite 210	Springfield	New Jersey	07081	(973) 242-3030	(973) 242-3080
15280FEDE02	Purchase Order	Fence rental- not to exce	Federal Rent-A-Fence	127 Haddon Ave	West Berlin	New Jersey	08091	(856) 719-8004	(800) 256-4783
SC-15280-13	Subcontract	COMPOSITE WOOD WALL PANELS	FM Construction Group, LLC	100 Dr. Martin Luther King Jr. Blvd.	East Orange	New Jersey	07017	(973) 989-1616	(862) 520-1905
15280CLE07	Subcontract	Final Cleaning	H & H Cleaning Services, LLC	841 8th St.	Secaucus	New Jersey	07094	(201)766-1122	
SC-15280-04	Subcontract	Electrical and Fire Alarm	Haddad Electric	62 Jackson Place	Moonachie	New Jersey	07074	(201)438-4242	
SC-15280-14	Subcontract	Glass Railings	Hanson Build Group	8805 26th Avenue	Brooklyn	New York	11214	(947)416-6112	
SC-15280-10	Subcontract	HVAC	HCS Heating & Cooling	1889 Rt 9, Unit 98-99	Toms River	New Jersey	08755	(732)904-7365	
PO-15280-05	Purchase Order	Herc Rentals	Herc Rentals, Inc.	P.O. Box 936257	Atlanta	Georgia	31193	(973)522-3400	
PO-15280-17	Purchase Order	Equipment Rental	Herc Rentals, Inc.	P.O. Box 936257	Atlanta	Georgia	31193	(973)522-3400	
SC-15280-12	Subcontract	Flooring Package	Imperial Floors	1578 Sussex Turnpike	Randolph	New Jersey	07869	(862)244-8040	(862)244-8080
SC-15280-17	Subcontract	Fencing and Gates	In House Group	390 Broadway , 4th Floor	New York	New York	10013	(212)965-0917	
SC-15280-19	Subcontract	Pavers	In House Group	390 Broadway , 4th Floor	New York	New York	10013	(212)965-0917	
SC-15280-07	Subcontract	Painting Subcontract	Industrial Maintenance	Industries, LLC. 843 King Georges Road	Fords	New Jersey	08863	732-661-6828	
PO-15280-01	Purchase Order	Office Cleaning PO	Ironbound Cleaning Services	PO Box 3422	Union	New Jersey	07083	(973) 578-8443	
SC-15280-16	Subcontract	Gypcrete	JM Pereira and Sons, Inc	2330 Big Oak Rd	Langhorne	Pennsylvania	19047	(215)702-9871	
PO-15280-21	Purchase Order	Temp Toilets	Johnny On The Spot	3168 Bordentown Ave	Old Bridge	New Jersey	08857	(732) 721-3443	(732) 721-8698
PO-15280-22	Purchase Order	HVAC Equipment	Johnstone Supply	1001 Corporate Circle, Suite 2	Toms River	New Jersey	08755	(732)575-1010	(732)575-1011
SC-15280-04	Subcontract	Glazing Subcontract	KIP Enterprises Inc	200 Keen Street	Paterson	New Jersey	07514	(973) 553-1571	
PO-15280-28	Purchase Order	Site Security - Maverick	Maverick Building Services	22 Chestnut Street	Rutherford	New Jersey	07070	201-939-2611	201-939-1061
PO-15280-12	Purchase Order	Site Office Rent	Myrage LLC	1271 Paterson Plank Road	Secaucus	New Jersey	07094	(201) 223-1737	
PO-15280-15	Purchase Order	Internal PO - Site Office	Myrage LLC	1271 Paterson Plank Road	Secaucus	New Jersey	07094	(201) 223-1737	
PO-15280-25	Purchase Order	Napco Invoices - Printing	Napco	1000 Wall Street West PO Box 234	Lyndhurst	New Jersey	07071	(201) 438-1500	(201)438-0243
15280CLE08	Subcontract	ROOFING	P. Cippollini, Inc.	171 E. Blackwell Street	Dover	New Jersey	07801	(973) 989-1110	973-989-1542
15280PET01	Purchase Order	Water Barriers	Petillo Inc.	167 Flanders Netcong Road	Flanders	New Jersey	07836		
SC-15280-21	Subcontract	Caulking	PHES Building Services	395 Mt Prospect Avenue	Newark	New Jersey	07104	973-573-6449	973-482-1097
SC-15280-05	Subcontract	Structural Steel Subcontract	Portuguese Structural Steel	255 South Street	Newark	New Jersey	07114	973-344-1342	973-344-1730
PO-15280-18	Purchase Order	Internal PO - Site Supplies	Power Fast Inc.	63 Dell Glen Avenue	Lodi	New Jersey	07644	(973) 772-4090	(973) 772-5217
PO-15280-30	Purchase Order	Site Office Supplies	Premier Supplies	P.O. Box 21352	New York	New York	10087-1352		
15280CLE03	Subcontract	Misc Metals	Prestige Contracting	43 Montgomery Street	Belleville	New Jersey	07109	(973)450-0082	(973)491-9286
PO-15280-24	Purchase Order	Water Cooler -Site Supplies	Ready Refresh	215 6661 Dixie Hwy Suite	Louisville	Kentucky	40258		
15280CLE06	Subcontract	Framing PA	Samph Contracting	4750 Blue Church Road	Coopersburg	Pennsylvania	18036	(215) 783-4436	(610) 282-9566
15280CLE05	Subcontract	ELEVATOR	Schindler Elevator NJ	20 Whippany Road	Morristown	New Jersey	07960	(973) 397-3660	(973) 397-6503
PO-15280-14	Purchase Order	Subgrade Waterproofing	Schnell Contracting Systems,	919 Route 33 Unit 37	Freehold	New Jersey	07728	(732) 845-9801	(732) 845-9821
SC-15280-15	Subcontract	Trim & Trellis	SP Builders Contractors Inc	431 Saint Mihiel Dr suite 104	Riverside	New Jersey	08075	(267)333-1124	(856)544-3260
PO-15280-10	Purchase Order	Dumpster Permit Reimbursement	ST Expediting LLC	663 Liberty Avenue	Jersey City	New Jersey	07307		
PO-15280-08	Purchase Order	Temporary Heating	Suburban Propane	915 Delancy St	Newark	New Jersey	07105	(973) 589-3030	
15280TERC01	Subcontract	Project Agreement	Tercio Construction LLC	10 Southdown Drive	Lafayette	New Jersey	07848	(973) 862-5343	(973) 862-5342
SC-15280-06	Subcontract	Masonry Subcontract	TG Basile, Inc.	136 E. Westfield Avenue	Roselle Park	New Jersey	07204		
PO-15280-35	Purchase Order	Fireproofing in Basement	United Fireproofing, Inc.	PO Box 400	Long Valley	New Jersey	07853	(908) 876-5454	(908) 876-5450

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